

PLANNED DEVELOPMENT PERMIT AMENDMENT

FILE NO.	PDA06-032-03
LOCATION OF PROPERTY	East side Charlotte Drive generally between Highway 85 and Great Oaks Parkway
ZONING DISTRICT	IP(PD) Planned Development
ZONING FILE NUMBER	PDC04-031
GENERAL PLAN DESIGNATION	Industrial Park
PERMIT TO BE AMENDED	PD06-032
PROPOSED USE	Planned Development Permit Amendment to allow: 1) Demolition of 14 existing buildings totaling approximately 1,126,692 square feet; 2) Removal of 139 Ordinance size trees (non-native) and 237 non-Ordinance size trees; 3) Provide a reconfigured entry from Great Oaks Parkway to Endicott Boulevard (private street); 4) Provide pedestrian enhancements and a new pedestrian gate to Raleigh Linear Green (public park); and 5) Plant 83 new trees ranging in size from 24 - 36 inch box on an approximately 160 acre portion of the 176 acre HGST Campus.
ENVIRONMENTAL STATUS	Use of Hitachi Campus and Mixed-use Transit Village Project EIR, Resolution No. 72772
OWNER	HGST Inc. Attn: David Koury 5601 Great Oaks Boulevard San José CA 95001

FACTS

The Director of Planning finds that the following are the relevant facts regarding this proposed project:

1. The subject site/area of work is approximately 160 acres of the 176 acre existing campus.
2. The subject site has a land use designation of Industrial Park on the Envision San José 2040 General Plan Land Use/Transportation Diagram.
3. This site is zoned IP(PD) Planned Development.
4. The Hitachi Planned Development Rezoning (Ordinance No. 27491) was adopted on August 9, 2005 and allows up to 2,930 residential units; 460,000 square feet of commercial/retail; and 3,600,000 square feet of industrial.

5. On June 2, 2006 a Master Planned Development Permit (File No. PD05-087) and associated Planned Tentative Map (File No. PT05-108) were approved to allow the demolition of existing buildings, reconfiguration of existing lots, and construction of a new public street network to allow future construction of residential, commercial, and industrial uses.
6. On August 21, 2006 a Master Planned Development Permit (File No. PD06-032) was approved to allow the re-configuration of the existing industrial campus including revisions to site circulation, and the installation of new landscaping, fencing and associated improvements.
7. On September 11, 2009 a Planned Development Permit Amendment (File No. PDA06-032-01) was approved to allow changes to the previously approved circulation path including changing A entry drive configuration along Great Oaks Boulevard, modifications to the location of the guard shack at the Via Del Oro entrance, and modifications to the perimeter fencing and entry gates.
8. On April 12, 2013 a Planned Development Permit Amendment (File No. PDA06-032-02) was approved to allow reconfiguration of an existing private street and parking area with landscape modifications including removal of seven (7) Ordinance size plum trees in the southeastern portion (approximately 3.8 acres) of the campus in anticipation of future public street improvements (Raleigh Road and Via Del Oro) at the southerly perimeter of the site.
9. This Planned Development Permit request will allow: 1) Demolition of 14 existing buildings totaling approximately 1,126,692 square feet; 2) Removal of 139 Ordinance size trees (non-native) and 237 non-Ordinance size trees; 3) Provide a reconfigured entry from Great Oaks Parkway to Endicott Boulevard (private street); 4) Provide pedestrian enhancements and a new pedestrian gate to Raleigh Linear Green (public park); and 5) Plant 83 new trees ranging in size from 24 - 36 inch box on an approximately 160 acre portion of the 176 acre HGST Campus.
10. Under the provision of Section 20.80.400(A) of the San José Municipal Code, no demolition permit or removal permit shall be issued unless and until a Development Permit which specifically approves such demolition or removal has been issued and has become effective pursuant to the provisions of Chapter 20.100.
11. Demolition of the existing buildings was anticipated by the Hitachi Planned Development Rezoning and Final EIR. Demolition of five of the buildings that help define the historic pedestrian spine that runs north/south through the campus will be executed in two phases in order to allow elements of the buildings' structural steel system along the facades facing the pedestrian spine to maintain the spine's spatial definition per the Historic Resources analysis prepared for the Final EIR for the project. The "build-to" line established by the Hitachi Planned Development Zoning along the pedestrian spine will be preserved with structural steel elements of the existing buildings along the spine serving as an interim condition until permanent new building solutions are developed and permitted.
12. In accordance with the approved Mitigation Monitoring and Reporting Program (MMRP) for the Hitachi project representatives from History San José, Preservation Action Council of San José, and the Historic Landmarks Commission were invited to a demolition/salvage tour of the campus, which was held on September 6, 2013. The purpose of the tour was to provide an opportunity for feedback on the applicant's historic resource mitigation concept for preserving the pedestrian spine and to fulfill the mitigation requirement to arrange a tour with members of the historic preservation community for the purpose of identifying elements of the buildings that warrant salvage for public information or reuse in other locations.
13. The request, which includes a Tree Removal Permit request pursuant to the provisions of Chapter 13.32 may be included as part of an application for development permit under the provisions of Title 20.

14. In addition to the 139 Ordinance size trees (non-native), 237 non-Ordinance size trees are also proposed for removal. Per the tree replacement requirements of the Hitachi Project EIR 238 24-inch box and 176 15-gallon replacement trees would be required. The project includes the planting of 47 24-inch box and 36 36-inch box replacement trees. The balance of the replacement tree requirement will be fulfilled by either additional on-site planting or donation to Our City Forest.
15. The environmental impacts of the Hitachi project were addressed by a Final EIR entitled, "Hitachi Campus and Mixed-Use Transit Village Project," and findings were adopted by City Council Resolution No. 72772 on June 21, 2005. Pursuant to Section 21081.6 of the California Environmental Quality Act (CEQA) a Mitigation Monitoring and Reporting Program (MMRP) was adopted that includes measures to mitigate or avoid significant effects on the environment.

FINDINGS

The Director of Planning, Building, and Code Enforcement has considered, pursuant to Section 20.80.460, the following criteria in evaluating the proposed demolition:

1. The failure to approve the permit would result in the creation of continued existence of a nuisance, blight or dangerous condition.
2. The failure to approve the permit would jeopardize public health, safety or welfare.
3. The approval of the permit should facilitate a project which is compatible with the surrounding neighborhood.
4. The approval of the permit would not negatively impact the supply of existing housing stock in the City of San José.
5. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible.
6. Rehabilitation or reuse of the existing building would not be feasible.
7. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

After investigation and hearing held pursuant to Chapter 13.32 of the San José Municipal Code, the City Council finds:

1. That the trees are of an affected size, type and condition, and are in such a location in such surroundings, that their removal would not significantly frustrate the purposes of Chapter 13.32; and
2. That the location of the trees with respect to the proposed improvement unreasonably restricts the economic development of the parcel in question.

The Director of Planning concludes and finds, based on the analysis of the above facts with respect to the Planned Development Permit findings (Section 20.100.940), that:

1. The Planned Development Permit Amendment, as issued, furthers the policies of the General Plan in that:
 - a. The project is consistent with the site's General Plan Land Use/Transportation Diagram designation of Industrial Park.

2. The proposed project conforms in all respects to the provisions of Title 20 of the San José Municipal Code in that:
 - a. The project meets the required setbacks, height limits, and use limitations of the approved Planned Development Zoning District.
3. The interrelationship between the orientation, location and mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious in that:
 - a. The proposed development makes minor changes to the existing entry drive, parking lot, and circulation path through the site and relocates an existing gate and guard house.
4. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties, in that:
 - a. Under the provisions of Section 15162 of the State Guidelines for implementation of the California Environmental Quality Act (CEQA), the City of San José has determined that the project is pursuant to or in furtherance of the Hitachi Campus and Mixed-use Transit Village Project Final Environmental Impact Report (EIR) and does not involve new significant effects beyond those analyzed in this Final EIR.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Building Permit.** Procurement of a Building Permit from the Building Official for demolition of the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions.
3. **Permit Expiration.** This Planned Development Permit Amendment shall automatically expire two years from and after the date of issuance hereof by said Director, if within such two-year period, the proposed use of this site or the installation of the use proposed has not commenced, pursuant to and in accordance with the provision of this Planned Development Permit Amendment. The date of issuance is the date this Permit is approved by the Director of Planning.
4. **Previous Conditions.** All of the conditions of the previously approved Master Planned Development Permits (File Nos. PD05-087 and PD06-032) shall remain unchanged and in full force and effect unless such conditions are specifically modified or deleted by this Amendment.

5. **Conformance with Plans.** Construction and development shall conform to the approved development plans entitled, "HGST Great Oaks Campus, San José, California, Planned Development Permit Amendment Plans," dated August 21, 2013, on file with the Department of Planning, Building and Code Enforcement.
6. **Salvage.** Any building elements not identified by representatives of History San José, Preservation Action Council of San José, and/or the Historic Landmarks Commission for salvage shall be made available to salvage companies facilitating the reuse of historic building materials.
7. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the issuance of Building permits the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.
 - a. *Construction Agreement:* The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
 - b. *Transportation:* A traffic impact analysis has been completed for the Hitachi campus which includes this proposed project. The analysis identified several public improvements required for this project to address the traffic increases due to the overall development of the Hitachi campus. Hitachi is in the process of completing these improvements which will bring this proposed project into conformance with CSJ Transportation Level of Service Policy 5-3.
 - c. *Grading/Geology:*
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - iii. Because the project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - iv. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
 - d. *Stormwater Runoff Pollution Control Measures:* This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.

- i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
- ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- e. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- f. *Street/Public Improvements:*
 - i. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - ii. Proposed driveway shall be 32' wide.
 - iii. Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
 - iv. Close unused driveway cut(s).
 - v. Install handicap ramps at the corner of secondary entrance.
 - vi. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans
- g. *Electrical:*
 - i. Relocate existing electrolier to maintain 10' minimum clearance between driveway and electrolier.
 - ii. Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
 - iii. Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
 - iv. Replace existing HPS luminaires in electroliers along project frontage with LED luminaries.
- h. *Street Trees:*
 - i. Replace any missing street trees in empty tree wells or park strips along Great Oaks Parkway and match existing trees per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Obtain a DOT street tree planting permit for any proposed street tree plantings.
 - ii. Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.
- i. *Private Streets:* Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.

- j. *Assessments*: This project is located within the boundaries of Community Facilities District No. 14 which maintains public parks, storm detention basins, and street island landscaping in the Santa Teresa Transit Village area. Properties within the district pay for the maintenance through annual special taxes which are adjusted annually by the Consumer Price Index. The project proposes to install a bioretention treatment cell and additional enhancements in the public right-of-way that were not contemplated as part of the maintenance responsibilities of the district and may require the formation of a new zone in the district.
- k. *Median Island Improvements*: Developer is required to construct Type 2 landscaped median(s) on Great Oaks Parkway along project frontage per City standards; refer to the current "Guidelines for the Planning, Design and Construction of City Streetscape Projects". Upon successful completion of the median island, the City will reimburse the developer for the cost of the construction pursuant to the Residential Construction Tax Contribution Fund Program, in accordance with section 4.64.100 of the Municipal Code.
- 8. **Nuisance**. This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
- 9. **Construction Hours**. Construction hours shall conform to the requirements of Title 20 of the San José Municipal Code, as amended.
- 10. **Lighting**. Outdoor lighting shall conform to City Council Policy 4-3: Outdoor Lighting on Private Developments and use the low pressure sodium light fixtures specified and approved under PDA06-032-01 or the LED option shown on plans, which conform with City of San José Interim Standards for Broad-Spectrum (White) Light for Private Development (August 30, 2011).
- 11. **Building Clearance for Issuing Permits**. Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans*. This permit file number, PDA06-032-03, shall be printed on all construction plans submitted to the Building Division.
- 12. **Revocation**. This Planned Development Permit Amendment is subject to revocation for violation of any of its provisions or conditions.

APPROVED and issued on this 25th day of September 2013.

JOSEPH HORWEDEL, Director,
Planning, Building, and Code Enforcement

Deputy